

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04HD-253

HAWAII

**Set Aside to Division of State Parks; Issuance of Management and Construction
Right-of-Entry, for Park and Related Purposes at Lalamilo, South Kohala,
Hawaii, Tax Map Key: 3rd/ 6-2-02: 01; 6-6-02: 2, 6, 7, 31, 40, 41 & 42; and 6-9-
01: por. 01**

APPLICANT:

State of Hawai'i, Division of State Parks, whose business and mailing address is P. O.
Box 621, Honolulu, Hawaii 96809.

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Wailea Bay situated at Lalamilo, South Kohala, Hawaii,
identified by Tax Map Key: 3rd/ 6-2-02: 01; 6-6-02: 2, 6, 7, 31, 40, 41 & 42; and 6-9-01:
por. 01, as shown on the attached map labeled Exhibit A.

AREA:

464.00 acres, more or less.

ZONING:

State Land Use District:	Urban/ Conservation
County of Hawaii CZO:	Urban/ Unplanned/ Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

Tax Map Key	Zoning		Encumbrance	Area
	LUC	CZO		
3 rd / 6-2-02: 01	Conservation	Conservation	Vacant	31.279
6-6-02: 02	Urban	Urban	Beach & Road Reserve (5.4907 ac) LOD S-27,467: Robertson (.038 ac) LOD S-28,277: Lowrey (.0944 ac) LOD S-28,586: COH DWS (.7209 ac)	6.344
6-6-02: 06	Urban	Urban	Vacant	.450
6-6-02: 07	Urban	Urban	11/20/87, F-3 Addition for Hapuna Bch	1.350
6-6-02: 31	Conservation	Conservation	RPS-7166: Lalamilo Owners Assoc.(.4561ac) LOD S-28,428: Wailea Assoc.(.4561 ac) LOD S-28,463: Verizon (.7803 ac) LOD S-28,586: COH DWS (.7209 ac)	140.862
6-6-02: 32 **	Conservation	Conservation	EO 2909, State Parks for Hapuna	1.331
6-6-02: 34 **	Urban	Improved RS	EO 2909, State Parks for Hapuna	.170
6-6-02: 35 **	Conservation	Improved RS	EO 2909, State Parks for Hapuna	36.460
6-6-02: 40	Conservation	Conservation	LOD S-28,459: Verizon (.0138 ac)	144.207
6-6-02: 41 **	Conservation	Conservation	EO 2909, State Parks for Hapuna (24.039 ac) LOD S-28,463: Verizon (.7803 ac)	137.832
6-6-02: 42	Urban	Urban	LOD S-28,586: COH DWS (.7209 ac)	3.140
6-9-01: por. 01*	Urban	Urban	Vacant	23.546
			University of Hawaii (5.00 ac)	
			DOBOR-Puako Boat Ramp (2.715 ac)	
Total:				526.971

* A total of approximately 6.1873 acres of TMK: 3rd/ 6-9-01: portion of 1 is excluded from this proposal due to the following set asides in progress; 1) 5.00 acres to the University of Hawaii for its proposed Kalakaua Marine Education Center., and 2) 1.8783 acres to the Division of Boating and Ocean Recreation for the Puako Boat Ramp.

** The existing Hapuna Beach Recreational Area, is encumbered under Governor's Executive Order No. 2909 to State Parks. It consists of 62 acres, and is identified as TMK: 3rd/ 6-6-02: 32, 34, 35 & portion of 41.

PURPOSE:

Park and related purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement (FEIS) notice for the subject project was published in the Office of Environmental Quality Control's Environmental Notice on June 23, 2001, and accepted by the Governor of Hawaii on August 15, 2001.

If further compliance with Chapter 343 is required, the Division of State Parks shall be solely responsible for satisfying said requirements.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

State Parks has identified long-term recreational needs for West Hawaii and opportunities to use and manage recreation resources at Hapuna and Wailea. A 1970 master plan for expansion of the park was revised in 1990, which intended to recognize a need for additional park improvements to the year 2010. The current expansion will consist of approximately 464 additional acres of recreational facilities to consist of picnic areas with comfort stations, family and group campgrounds, hiking trails and shoreline paths, public parking, and improved accesses to Wailea Bay and the adjacent shorelines.

The proposed park expansion area is predominantly undeveloped. It consists of older barren lava fields covered with sparse vegetation, which primarily consists of fountain grass and kiawe trees. The developed portion consist of the Hapuna Beach Road, the old Kawaihae-Puako Road, and existing 62-acre beach park at Hapuna Bay, which is encumbered under Governor's Executive Order No. 2909, identified as Tax Map Keys: 3rd/ 6-6-02: 32, 34, 35, and portion of 41.

State Parks has begun construction on some of its planned improvements, which include a comfort station, a paved parking lot and access road upon Tax Map Key: 3rd/ 6-6-02:31.

The Department of Land and Natural Resources, Division of State Parks, is proposing to expand its existing Hapuna Beach State Recreation Area (previously known as the

Hapuna Beach State Park) from 62 acres to approximately 526 acres. The current proposal is described as Alternative B within the May 2001 Final Environmental Impact Statement. This expansion will include the area between Hapuna Bay and Puako Bay from the shoreline up to the Queen Kaahumanu Highway. To the north of the property is the Mauna Kea Beach Resort and to the south is the Puako Beach Lots. Immediately behind Wailea Beach are 19 privately owned lots, which had previously been considered for acquisition by the State, but is being excluded due to the enormous acquisition costs anticipated. Alternative A of the expansion plan included 320 acres located mauka of the Queen Kaahumanu Highway (TMK: 3rd/ 6-6-01: por. 02), for an 18-hole public golf course. This portion of land is being excluded from this request until more definitive development plans and financial commitments become available. If included into the overall Hapuna Beach State Recreational Area Expansion plan, the total proposed park area would have been 846 acres. Other portions of lands being excluded from this project include approximately 7.715 acres of TMK: 3rd/ 6-9-01: portion of 01, which is current being set aside to other government agencies for their use. Five acres is being set aside to the University of Hawaii for its proposed Kalakaua Marine Education Center, and another 1.8783 acres is set-aside to the Division of Boating and Ocean Recreation for the Puako Boat Ramp. (Exhibit B)

A Final Environmental Impact Statement (FEIS) was prepared and published in the Office of Environmental Quality Control's Environmental Notice on June 23, 2001. The Governor of Hawaii accepted the FEIS on August 15, 2001.

Various governmental agencies, interest groups and individuals attended the public meetings and/or participated in the preparation of the FEIS during the FEIS process by providing comments on the proposal. Although there were varying concerns expressed to the proposal, there was no significant opposition to the overall plan. The segment of the proposal that raised the most concerns and questions were those regarding the development of a public golf course upon a 320-acre portion of land located mauka of the Queen Kaahumanu Highway. Response to those concerns indicated that development of a golf course would depend upon the availability of funds. To date, there are no commitments of funds for golf course development; therefore, staff excluded that portion of land from the proposed set aside.

There are no higher or better use of the subject area at this time. The entire property will be utilized for its intended use. Setting aside the subject area to the Division of State Parks will allow for better management, maintenance, preservation of the natural resources, and increase of inventory for much needed public recreational areas for the Island of Hawaii. Implementing State Park's proposed management and maintenance plan of the area will drastically reduce the ongoing threats of runaway brush fires and floods that have plagued the Wailea Bay area.

Additionally, in attempts to clarify the interests over jurisdiction for beachfront parks, it is staff's intent to now establish the seaward boundary of the set aside at the lowest wash

of the waves at the lowest tide. This would insure that the State Park's rules would apply to all activities outside of the water, thus, eliminating a strip of unencumbered State lands as in prior similar situations.


RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

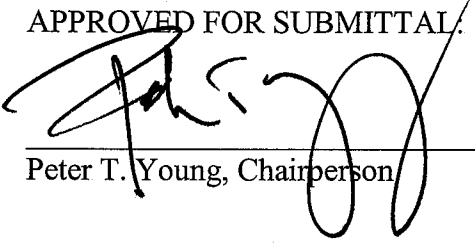
1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Division of State Parks, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. That the Division of State Parks shall be responsible for any compliance requirements under Chapter 343 and Chapter 183C, HRS, as amended;
 - D. That the seaward boundary of the Executive Order shall be at the lowest wash of the waves at the lowest tide;
 - E. Review and approval by the Department of the Attorney General; and
 - F. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Grant an immediate construction and management right-of-entry to the Division of State Parks, its consultants, contractors and/or persons acting for or on its behalf, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current right-of-entry form as may be amended from time to time;
 - B. This construction and management right-of-entry is effective upon Land Board approval and shall continue until the executive order document is issued;

- C. The Division of State Parks shall be responsible for any compliance requirements under Chapter 343 and Chapter 183C, Hawaii Revised Statutes, as amended, prior to the commencement of any construction work;
- D. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,


Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL.


Peter T. Young, Chairperson

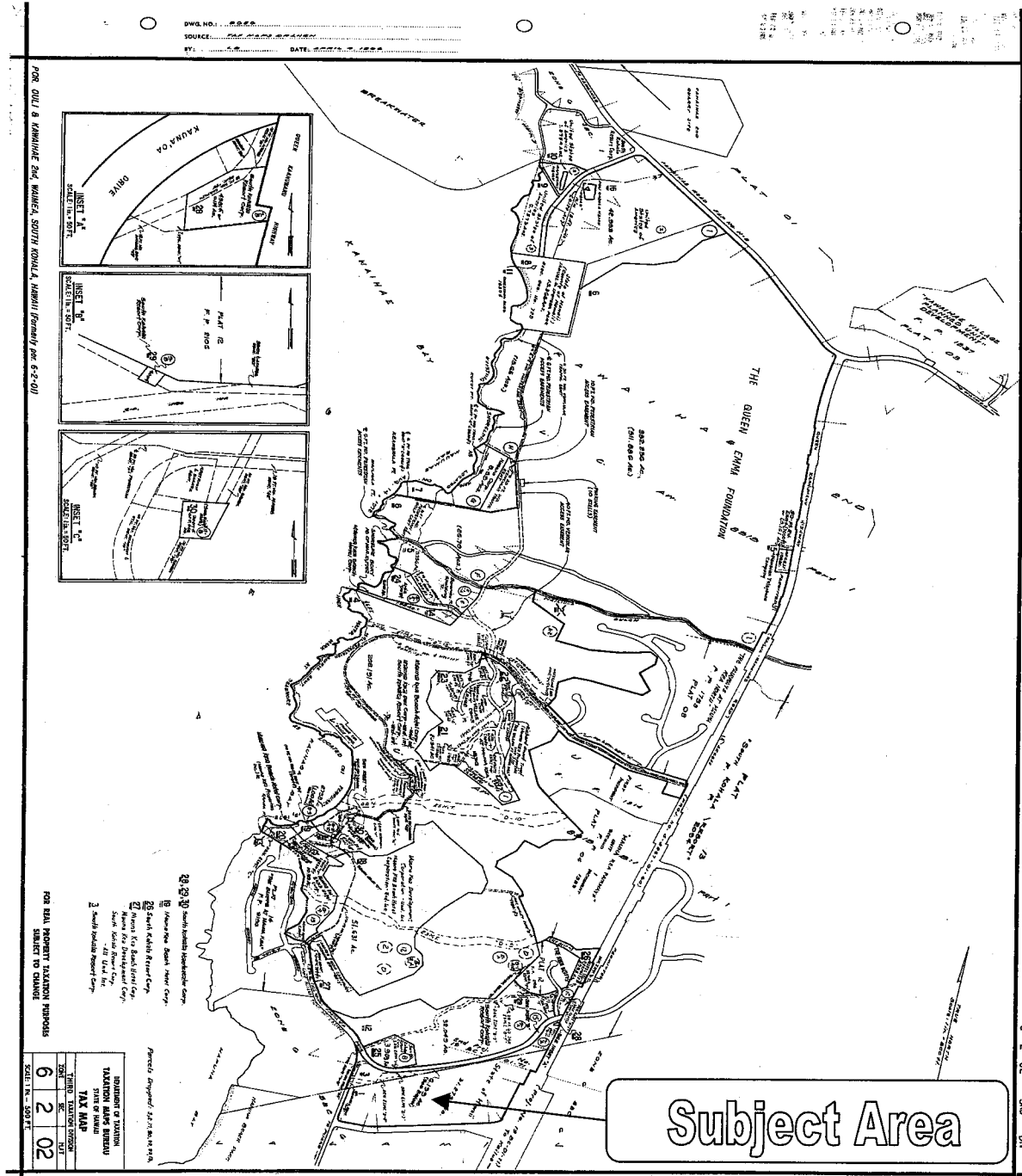


EXHIBIT A

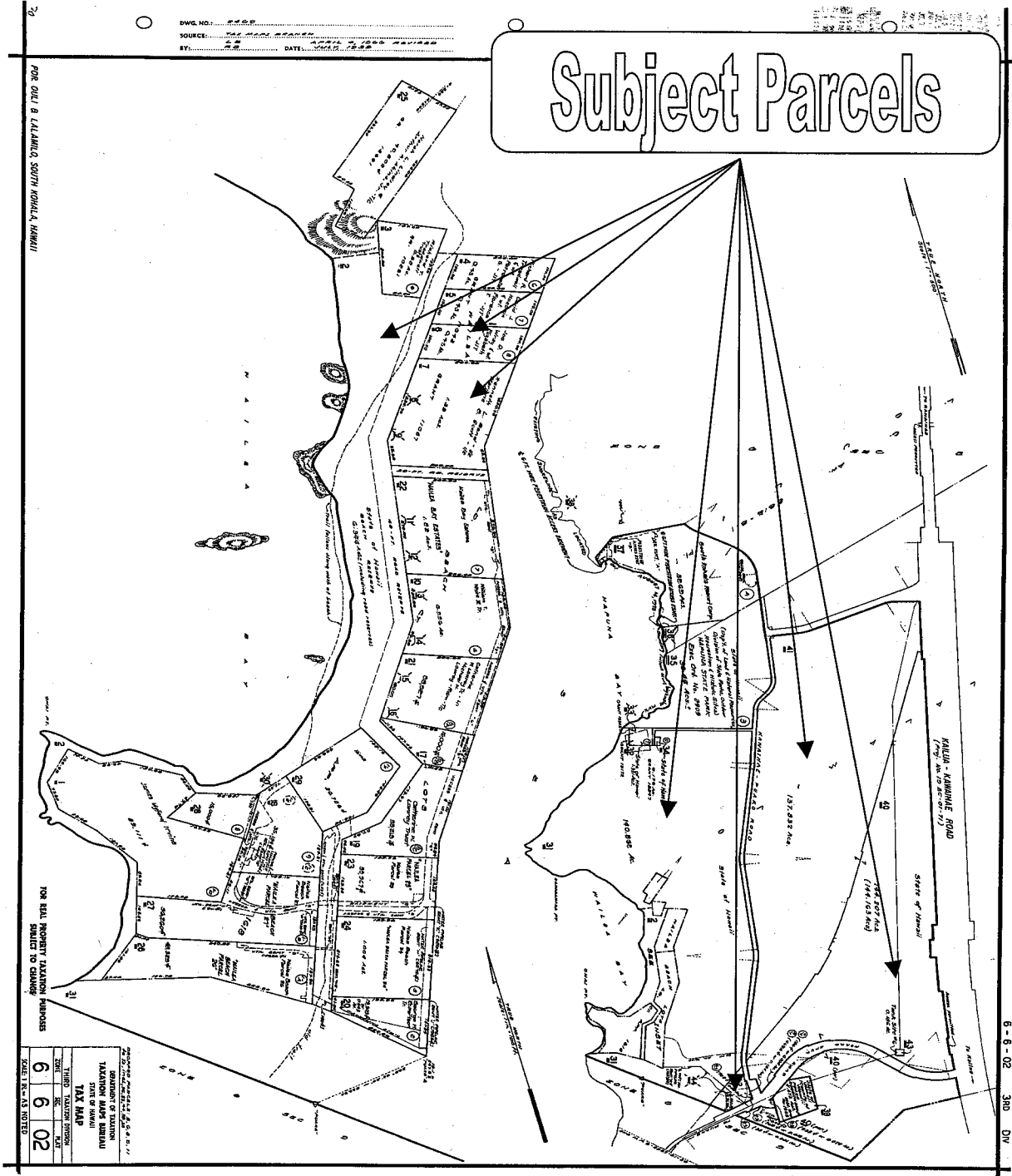


EXHIBIT A

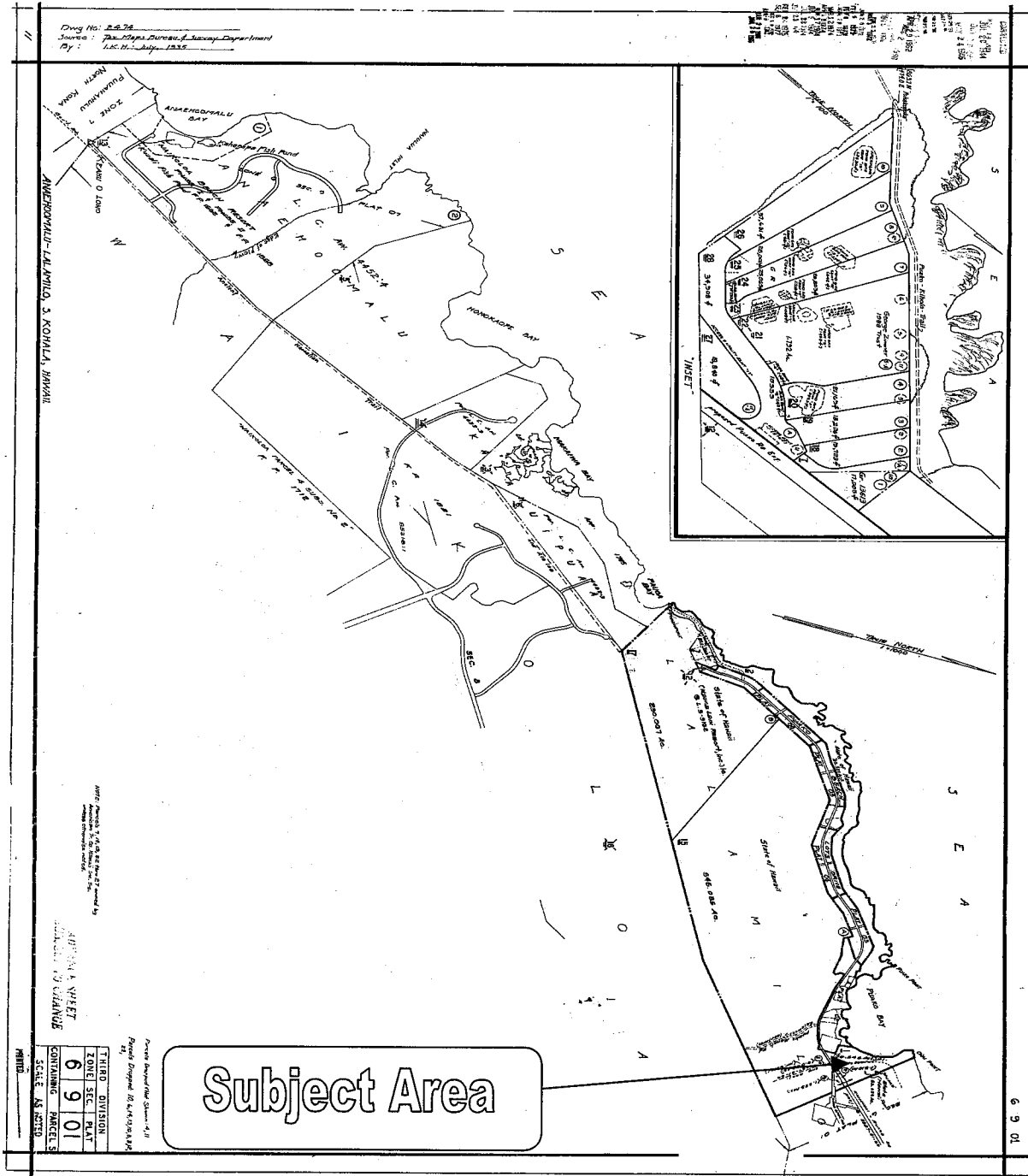


EXHIBIT A

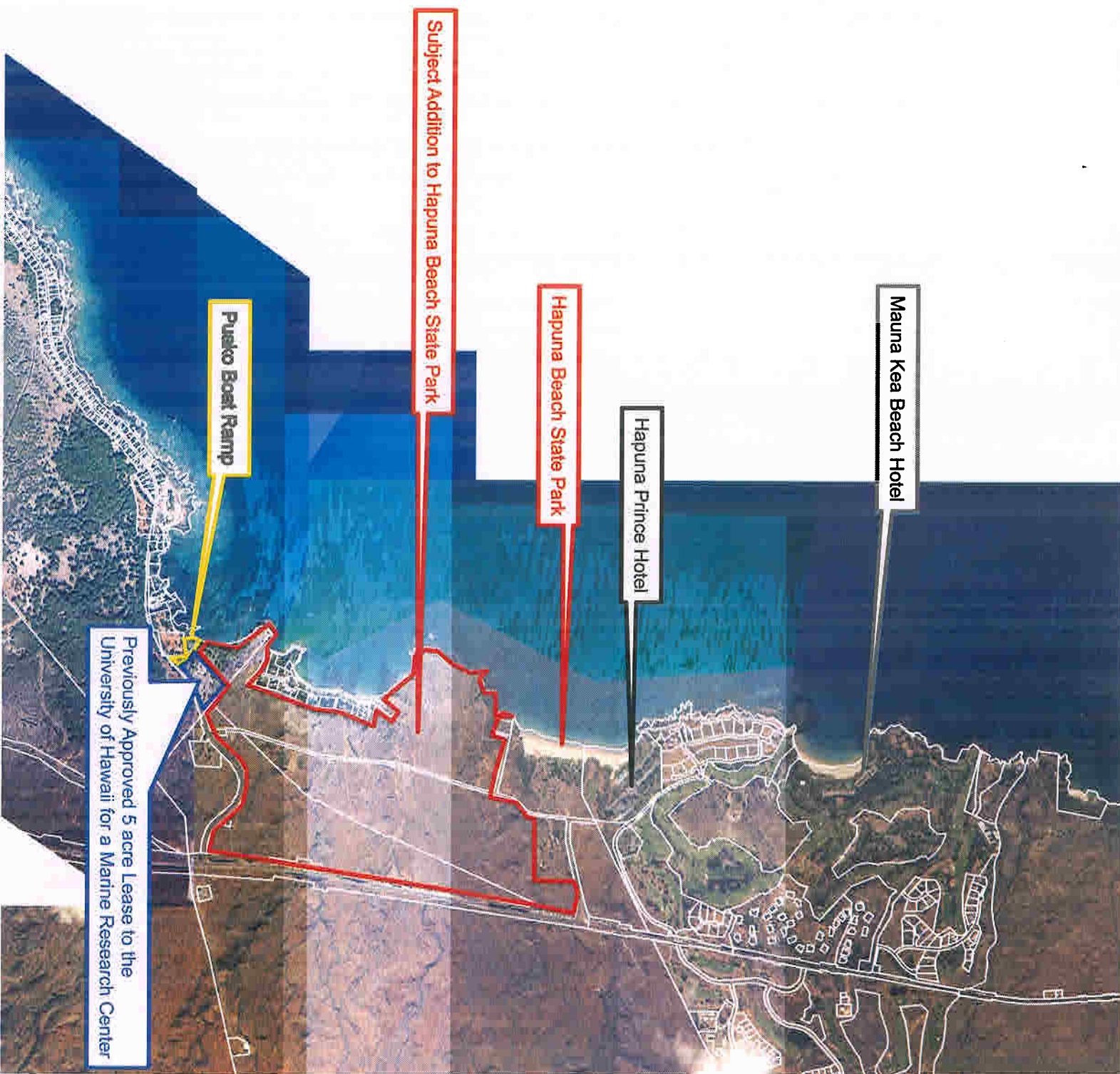


EXHIBIT B